IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

ORDER

Bindiya Kumar vs. Life Insurance Compration & Ors.
(S.B.C.Writ Petition No.3245/02)

Date of Order :- 6th October, 2006.

PRESENT

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Mrs. Suman Porwal, Advocate for the petitioner.
Mr.B.K.Bhatnagar, Advocate for the respondent.

The petitioner has challenged the proceedings of the interview for appointment on the post of Apprentices Development Officer(for short "ADO") by the respondents on 5th March, 2002 and prayed for a direction to the respondents to constitute a proper Selection Committee and interview all those eligible candidates including the petitioner who qualified written examination afresh on the criteria laid down. She has further prayed that a direction may be issued to the

respondents not to reject the candidature of the petitioner merely because she was female.

According to the case of the petitioner, she having qualified the written examination received a call letter for appearing in the interview on 5.3.2002 conducted by the Life Insurance Corporation(for short "L.I.C.") for appointment on the post of A.D.O.. She was interviewed by the Selection Committee on 5.3.2002 for about 20-22 minutes. Chairman of the Selection Committee Shri Janak Kumar however asked the petitioner that would she be able to go for insurance if she was asked to go in the morning at 5.00 a.m. or during night at 11 p.m. He also asked the petitioner that L.I.C. would not be providing any body-guard and the L.I.C. agent will also not be acting as her body-guard and whether the father of the petitioner was aware of the kind of duties the Development Officer was required to perform. The petitioner has alleged that Shri Janak Kumar openly remarked that there was no female Development Officer throughout Rajasthan either in urban or rural areas and a female could hardly discharge such duties.

When the petitioner insisted that she could do that job and at least a chance may be given to her on experimental basis, Shri Janak Kumar became infurilated and asked her to leave as her interview was over. The petitioner in the writ petition has impleaded Shri Janak Kumar as one of the respondents apart from other official respondents.

The respondents in reply to the writ petition have denied the allegation of any kind of gender discrimination. According to them, all these allegations are figments of the petitioner's own imagination . The respondents have asserted that the petitioner had gone to make all kind of bald allegations on the officials of the L.I.C.. All these allegations are baseless and there was no question of discrimination against the females. Merely because the petitioner was called for interview, it did not vest any right in her to claim appointment. An affidavit of Shri Janak Kumar, Chairman of the Selection Committee has also been filed. He has emphatically denied all these allegations and has asserted that he made almost similar questions from all the candidates without any discrimination of

sex or any other sort. The questions were closely related to the duties of a Development Officer and as soon as the interview of the petitioner was over, she was asked to go as per norms. There was no ulterior motive on his part and no discrimination was practiceed by him just because the petitioner was a female. The respondent no. 4 has asserted that he had two daughters of marriageable age and has got all respect and honour for ladies. There was no question of showing any disrespect to the female candidates. On the contrary, it has been asserted that when asking questions, he called the candidates with the salutation `beta/betiya' which show the kind of respect that he gave to the candidates. It has been stated that he had been associated with the interviews since 1986 and had interviewed more than 10,000 candidates by now and was well aware as to what question was to be asked and what was the dignity of a particular person. The respondents have placed on record the list of selected candidates in regard to result of the post of A.D.O., interviews of which are the subject of the controversy in the present case. This list reveals that out of 211 selected candidates, three

females have been also been selected. The respondents have therefore denied the allegations of gender bias.

Having considered the arguments of both the learned counsels and scanned the record, I do not find any material which substantiate the allegation of the petitioner except her own statement which has been denied by the respondent no. 4 on oath. Moreover, the respondent no. 4 when he said that he has been associated with more than 10,000 interviews since 1986, it does not appear to be correct that just in the case of the petitioner, he would be taking a discriminatory attitude on gender basis. Allegation of discrimination on gender basis has also not been proved because the selected candidates also include females although their number may be short. In any case, it is a seriously disputed question of fact which cannot be appropriately gone into and decided in writ proceedings.

In the result, I do not find any merit in the writ petition. The same is therefore dismissed. There shall be no order as to costs.

(MOHAMMAD RAFIQ),J.